

Introduced by Senator Cox

February 24, 2006

An act to amend Section 23109 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1735, as introduced, Cox. Vehicles: speed contest.

Existing law prohibits a person from engaging in a motor vehicle speed contest, aiding or abetting in that contest, engaging in a motor vehicle exhibition of speed on a highway or aiding or abetting in that conduct, and obstructing or placing a barricade or obstruction or assisting in the same, upon a highway, incident to a motor vehicle speed contest or speed exhibition upon a highway.

Existing law imposes various sanctions on persons convicted of the above.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23109 of the Vehicle Code is amended
- 2 to read:
- 3 23109. (a) A person shall not engage in a motor vehicle
- 4 speed contest on a highway. As used in this section, a motor
- 5 vehicle speed contest includes a motor vehicle race against
- 6 another vehicle, a clock, or other timing device. For purposes of
- 7 this section, an event in which the time to cover a prescribed

1 route of more than 20 miles is measured, but where the vehicle
2 does not exceed the speed limits, is not a speed contest.

3 (b) A person shall not aid or abet in ~~any~~ a motor vehicle speed
4 contest on ~~any~~ a highway.

5 (c) A person shall not engage in ~~any~~ a motor vehicle
6 exhibition of speed on a highway, and no person shall aid or abet
7 in a motor vehicle exhibition of speed on ~~any~~ a highway.

8 (d) A person shall not for the purpose of facilitating or aiding
9 or as an incident to ~~any~~ a motor vehicle speed contest or
10 exhibition upon a highway in any manner obstruct or place a
11 barricade or obstruction or assist or participate in placing a
12 barricade or obstruction upon ~~any~~ a highway.

13 (e) (1) A person convicted of a violation of subdivision (a)
14 shall be punished by imprisonment in a county jail for not less
15 than 24 hours nor *for* more than 90 days or by a fine of not less
16 than three hundred fifty-five dollars (\$355) nor more than one
17 thousand dollars (\$1,000), or by both that fine and imprisonment.
18 That person shall also be required to perform 40 hours of
19 community service. The court may order the privilege to operate
20 a motor vehicle suspended for 90 days to six months, as provided
21 in paragraph (8) of subdivision (a) of Section 13352. The
22 person's privilege to operate a motor vehicle may be restricted
23 for 90 days to six months to necessary travel to and from that
24 person's place of employment and, if driving a motor vehicle is
25 necessary to perform the duties of the person's employment,
26 restricted to driving in that person's scope of employment. This
27 subdivision does not interfere with the court's power to grant
28 probation in a suitable case.

29 (2) If a person is convicted of a violation of subdivision (a)
30 and that violation proximately causes bodily injury to a person
31 other than the driver, the person convicted is punishable by
32 imprisonment in a county jail for not less than 30 days nor more
33 than six months or by a fine of not less than five hundred dollars
34 (\$500) nor more than one thousand dollars (\$1,000), or by both
35 the fine and imprisonment.

36 (f) (1) If a person is convicted of a violation of subdivision (a)
37 for an offense that occurred within five years of the date of a
38 prior offense that resulted in a conviction of a violation of
39 subdivision (a), that person shall be punished by imprisonment in
40 a county jail for not less than four days nor more than six

1 months, and by a fine of not less than five hundred dollars (\$500)
2 nor more than one thousand dollars (\$1,000).

3 (2) If the perpetration of the most recent offense within the
4 five-year period described in paragraph (1) proximately causes
5 bodily injury to a person other than the driver, a person convicted
6 of that second violation shall be imprisoned in a county jail for
7 not less than 30 days nor more than six months and by a fine of
8 not less than five hundred dollars (\$500) nor more than one
9 thousand dollars (\$1,000).

10 (3) If the perpetration of the most recent offense within the
11 five-year period described in paragraph (1) proximately causes
12 serious bodily injury, as defined in paragraph (4) of subdivision
13 (f) of Section 243 of the Penal Code, to a person other than the
14 driver, a person convicted of that second violation shall be
15 imprisoned in the state prison, or in a county jail for not less than
16 30 days nor more than one year, and by a fine of not less than
17 five hundred dollars (\$500) nor more than one thousand dollars
18 (\$1,000).

19 (4) The court shall order the privilege of a person convicted
20 under paragraph (1), (2), or (3), to operate a motor vehicle
21 suspended for a period of six months, as provided in paragraph
22 (9) of subdivision (a) of Section 13352. In lieu of the suspension,
23 the person's privilege to operate a motor vehicle may be
24 restricted for six months to necessary travel to and from that
25 person's place of employment and, if driving a motor vehicle is
26 necessary to perform the duties of the person's employment,
27 restricted to driving in that person's scope of employment. This
28 subdivision does not interfere with the court's power to grant
29 probation in a suitable case.

30 (g) If the court grants probation to ~~any~~ a person punishable
31 under subdivision (f), in addition to the provisions of subdivision
32 (f) and any other terms and conditions imposed by the court,
33 which may include a fine, the court shall impose as a condition of
34 probation that the person be confined in a county jail for not less
35 than 48 hours nor more than six months. The court shall order the
36 person's privilege to operate a motor vehicle to be suspended for
37 a period of six months, as provided in paragraph (9) of
38 subdivision (a) of Section 13352 or restricted pursuant to
39 subdivision (f).

1 (h) If a person is convicted of a violation of subdivision (a)
2 and the vehicle used in the violation is registered to that person,
3 the vehicle may be impounded at the registered owner's expense
4 for not less than one day nor more than 30 days.

5 (i) ~~Any~~A person who violates subdivision (b), (c), or (d) of this
6 section shall upon conviction thereof be punished by
7 imprisonment in a county jail for not more than 90 days or by a
8 fine of not more than five hundred dollars (\$500) or by both that
9 fine and imprisonment.

10 (j) If a person's privilege to operate a motor vehicle is
11 restricted by a court pursuant to this section, the court shall
12 clearly mark the restriction and the dates of the restriction on that
13 person's driver's license and promptly notify the Department of
14 Motor Vehicles of the terms of the restriction in a manner
15 prescribed by the department. The Department of Motor Vehicles
16 shall place that restriction in the person's records in the
17 Department of Motor Vehicles and enter the restriction on ~~any~~ a
18 license subsequently issued by the Department of Motor Vehicles
19 to that person during the period of the restriction.

20 (k) The court may order that ~~any~~ a person convicted under this
21 section, who is to be punished by imprisonment in a county jail,
22 be imprisoned on days other than days of regular employment of
23 the person, as determined by the court.

24 (l) This section shall be known and may be cited as the Louis
25 Friend Memorial Act.